

**REMARKS/ARGUMENTS**

Claims 1-20 are pending in this application. By this Amendment, claims 3, 4 and 19 are amended only to correct minor informalities. Support for the claims can be found throughout the specification, including the original claims and the drawings. Withdrawal of the rejections in view of the above amendments and the following remarks is respectfully requested.

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance (for the reasons discussed herein); (2) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter); (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal (if necessary). Entry is thus requested.

**I. Rejection Under 35 U.S.C. §102(b)**

The Office Action rejects claims 1-20 under 35 U.S.C. §102(b) over U.S. Patent No. 3,180,348 to Clearman. The rejection is respectfully traversed.

Independent claim 1 is directed to a nozzle assembly for a dishwasher having first and second racks. The nozzle assembly includes a first nozzle rotatably provided proximate to the first rack, wherein the first nozzle is configured to selectively spray washing fluid in a first rack direction in a first mode, and in a second rack direction in a second mode.

Independent claim 19 is directed to a nozzle assembly for a home appliance, including a nozzle configured to selectively spray washing fluid in first and second directions. Independent

claim 19 recites that the nozzle includes a fixed central piece with one end in fluid communication with a fluid circulating device, and another end having first and second openings. Independent claim 19 also recites that each of the first and second nozzles includes a closed end and an open end, wherein the open end of the first and second nozzles is rotatably coupled to the first and second openings of the fixed central piece, first and second surfaces extending between the open and closed ends of each of the first and second nozzles, and a plurality of holes formed along the first surfaces of the first and second nozzles, wherein the plurality of holes are in fluid communication with the fixed central piece through the respective open ends so as to allow washing fluid to be sprayed therethrough. Independent claim 19 then recites that the first and second nozzles are configured to rotate about a horizontal axis thereof while the fixed central piece remains fixed so as to adjust a position of the first surfaces of the first and second nozzles and the plurality of holes therein.

Clearman neither discloses nor suggests the features recited in independent claims 1 and 19, or the respective claimed combinations of features. More specifically, Clearman discloses a dishwasher including first and second article holders, or racks, 20 and 21 that roll into and out of a tub 10 on wheels 22 and 24, respectively. A pump 12 driven by a motor 13 pumps water from a sump 11 up into a nozzle structure 28. A portion of this water is directed onto the lower rack 22 through slots 64 in an upper surface of a lower spray arm 36. The remaining portion of the water flows up and out through a central member 29 of the nozzle structure 28, where it forms a vertical jet 39. The water forming the jet 39 flows into a tubular receiving means 38 and into an

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upper spray arm 52. Some of this water is directed onto the upper rack 21 through slots 63 formed in an upper surface of the upper spray arm 52, and some of this water is directed downward through slots 65 formed in a lower portion of the upper spray arm 52.

The upper spray arm 52 (compared in the Office Action to the recited nozzle) rotates about a vertical axis (defined essentially by a central vertical axis of the tubular receiving means 38) any time water is flowing therethrough. Therefore, if the dishwasher is in operation (i.e., “ON”) and the pump 12 is pumping water, the upper spray arm 52 always directs water both upward through the slots 63 (compared in the Office Action to the recited first direction) and downward through the slots 64 (compared in the Office Action to the recited second direction). Thus, water is always flowing in both directions when the dishwasher is in “ON” and the pump 12 is pumping, making no discrimination or selection (see Webster’s New World Dictionary, which defines the word selective as “of or characterized by selection or choice; discriminating.”) Clearman neither discloses nor suggests that the upper spray arm 52 selectively sprays water in a first direction in a first mode, and in a second direction in a second mode, as do the nozzles recited in independent claims 1 and 19.

The Office Action asserts that the recited first and second modes may be considered equivalent to an “OFF” and an “ON” spraying position. If such an interpretation is to be made, then Clearman clearly neither discloses nor suggests a first nozzle that selectively sprays water in first and second directions, as recited in independent claims 1 and 19, let alone in corresponding first and second modes, as recited in independent claim 1. More specifically, if the dishwasher is

“OFF,” then the pump 12 does not pump any water at all, and neither of the spray arms 36, 52 sprays water in any direction at all. The same holds true if the dishwasher is “ON” but the pump 12 is “OFF.” Thus, Clearman neither discloses nor suggests a nozzle that selectively sprays washing fluid, as recited in independent claims 1 and 19.

Additionally, Clearman clearly discloses that the upper spray arm 52 (compared to the recited nozzle) is necessarily fixed to the tubular receiving means 38 (compared in the Office Action to the fixed central piece recited in independent claim 19) (see column 3, lines 51-60 of Clearman). Clearman discloses that the entire receiving means may be repositioned to maintain alignment with the jet 39, however, the spray arm 52 remains fixed to the receiving member 38. Thus, Clearman neither discloses nor suggests that the tubular receiving means 38 is fixed, as is the fixed central piece recited in independent claim 19. Further, Clearman neither discloses nor suggests that the ends of the spray arm 52 on opposite sides of the receiving member 38 (comparable to the recited first and second nozzles) each have an open end that is rotatably coupled to the receiving member 38. Rather, as set forth above, the spray arm 52 and receiving member 38 are fixed relative to one another.

Still further, as set forth above, the receiving member 38 and entire spray arm 52 fixed thereto rotate about a vertical axis. Clearman neither discloses nor suggests that any element, let alone the ends of the spray arm 52 on opposite sides of the receiving member 38, rotates about a horizontal axis while the receiving member 38 remains fixed. That is, Clearman neither discloses nor suggests any means by which the receiving member 38 may remain fixed, while the ends of

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the spray arm 52 positioned on opposite sides thereof rotate about a horizontal axis of rotation, as recited in independent claim 19.

For all of the above reasons, it is respectfully submitted that independent claims 1 and 19 are not anticipated by Clearman, and thus the rejection of independent claims 1 and 19 under 35 U.S.C. §102(b) over Clearman should be withdrawn. Dependent claims 2-18 and 20 are allowable at least for the reasons set forth above with respect to independent claims 1 and 19, from which they respectively depend, as well as for their added features.

## **II. Conclusion**

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned, **Joanna K. Mason**, at the telephone number listed below.

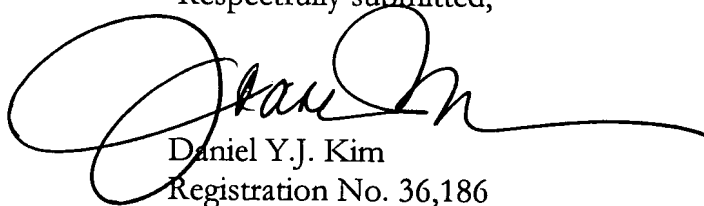
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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Daniel Y.J. Kim', with a long horizontal flourish extending to the right.

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